

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

OCT 15 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

CAUSE NO. 1:15CR55-LG-RHW-3

SHAWN ANN WHITE

CAED No 2:21-cr-0048
WBS

**ORDER GRANTING DEFENDANT'S MOTION
FOR TRANSFER OF JURISDICTION**

BEFORE THE COURT is the [339] Claim for Exemptions and Request for Hearing and/or Transfer filed by Defendant Shawn Ann White in this case in which the Government seeks garnishment of White's wages. The Government has filed a response in which it joins in White's request for a transfer of jurisdiction of its Application for Writ of Garnishment to the Eastern District of California, Sacramento Division. After reviewing the submissions of the parties, the record in this matter, and the applicable law, the Court finds that White's [339] Claim for Exemptions and Request for Hearing and/or Transfer should be granted to the extent that she requests transfer of jurisdiction of the garnishment proceedings. The remainder of the relief requested in White's [339] Claim for Exemptions and Request for Hearing and/or Transfer is taken under advisement so that it can be considered after transfer to the appropriate court.

IT IS THEREFORE ORDERED AND ADJUDGED that the [339] Motion for Transfer of Jurisdiction is **GRANTED**. The Clerk of Court is directed to **TRANSFER** the Government's [335] Application for Writ of Garnishment, the [336] Writ of Garnishment, the [337] Clerk's Notice, the [338] Notice of Service to

Potential Party-in-Interest, the [339] Claim for Exemptions and Request for Hearing and/or Transfer, and the [340] Response to the **Eastern District of California, Sacramento Division**.

IT IS FURTHER ORDERED AND ADJUDGED that the remainder of the relief requested in the [339] Claim for Exemptions and Request for Hearing and/or Transfer filed by Defendant Shawn White is **TAKEN UNDER ADVISEMENT** so that it can be considered following transfer.

SO ORDERED AND ADJUDGED this the 8th day of October, 2024.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE



A TRUE COPY, I HEREBY CERTIFY

ARTHUR JOHNSTON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

By: *[Signature]*, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Criminal No. 1:15-cr-00055-LG-RHW-003

SHAWN ANN WHITE

Defendant

and

WESTERN DENTAL SERVICES, INC.
530 South Main St.
Orange, CA 92868

Garnishee

APPLICATION FOR WRIT OF GARNISHMENT

Plaintiff United States of America applies under the Mandatory Victims Restitution Act (18 U.S.C. § 3663A), 18 U.S.C. § 3613, and 28 U.S.C. § 3205 of the Federal Debt Collection Procedures Act (FDCPA) for issuance of a Writ of Garnishment for substantial nonexempt property belonging to or due Defendant-Judgment Debtor SHAWN ANN WHITE, as follows:

1. This Court entered judgment against Defendant-Judgment Debtor Shawn Ann White on September 6, 2016 [276] and the outstanding balance as of September 11, 2024, was:

\$90,747.51	Judgment amount
<u>\$7,214.76</u>	Credits applied to judgment amount
\$83,532.75	Debt balance

2. Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arose against all Defendant-Judgment Debtor's property and rights to property.

3. The Defendant-Judgment Debtor's full name is Shawn Ann White, her, Social Security Number is ***-**-8252, and last known address is: Manteca, CA.¹ More than 30 days

¹Pursuant to Rule 49.1 of the Federal Rules of Criminal Procedure, the defendant-judgment debtor's Social Security Number has been redacted to the last four digits and the home address has been redacted to the city and state to prevent public disclosure. Fed. R. Crim. P. 49.1. Upon request of the Court, the full Social Security Number and address will be provided *in camera*.

have elapsed since demand for payment of the debt was made, and Defendant-Judgment Debtor Shawn Ann White has not paid the amount due.

4. To enforce the judgment entered against Defendant-Judgment Debtor in this matter, the United States requests that a Writ of Garnishment be issued for service upon the following garnishee:

WESTERN DENTAL SERVICES, INC.
530 South Main St.
Orange, CA 92868

5. The United States believes the Garnishee and its affiliates, successors, or assigns to be in possession, custody, or control of substantial nonexempt property belonging to or due Defendant-Judgment Debtor, including but not limited to any checking or savings accounts, contents of safe deposit boxes, cash value of any and all insurance policies, retirement funds, securities, investments, stocks, bonds, LLC membership units/interests, mutual funds, certificates of deposit, pension funds or 401(k) accounts, future distributions, buyout funds, nonexempt retirement accounts, and/or disposable earnings.

6. After the Garnishee has been served, pursuant to 28 U.S.C. § 3202(c), the United States will serve Defendant-Judgment Debtor Shawn Ann White and each person whom the United States has reasonable cause to believe has an interest in the property subject to the Writ of Garnishment.

The United States of America requests that the Clerk of Court issue a Writ of Garnishment as to Garnishee, in accordance with the Federal Debt Collection Procedures Act, including 28 U.S.C. § 3205.

Dates this the 11th of September 2024.

Respectfully submitted,

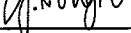
TODD W. GEE
United States Attorney

BY: CLAY B. BALDWIN (MSB 103478)
Assistant United States Attorney
501 East Court Street, Suite 4.430
Jackson, MS 39201
Telephone: (601) 965-4480
Fax: (601) 965-5042
Email: clay.baldwin@usdoj.gov



A TRUE COPY, I HEREBY CERTIFY

ARTHUR JOHNSTON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

By:  Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Criminal No. 1:15-cr-00055-LG-RHW-003

SHAWN ANN WHITE

Defendant

and

WESTERN DENTAL SERVICES, INC.
530 South Main St.
Orange, CA 92868

Garnishee

WRIT OF GARNISHMENT

TO: WESTERN DENTAL SERVICES, INC.
530 South Main St.
Orange, CA 92868

An application for Writ of Garnishment seeking property belonging to or due Defendant-Judgment Debtor Shawn Ann White was filed with this Court to enforce a judgment for the United States in this matter. As of September 11, 2024, the outstanding balance is \$83,532.75.

Pending further order of this Court, you shall withhold and retain all property in which Defendant-Judgment Debtor Shawn Ann White has a substantial nonexempt interest and for which you are or may become indebted to Defendant-Judgment Debtor Shawn Ann White, including but not limited to any checking or savings accounts, contents of safe deposit boxes, cash value of any and all insurance policies, retirement funds, securities, investments, stocks, bonds, LLC membership units/interests, mutual funds, certificates of deposit, pension funds, or 401(k) accounts, future distributions, buyout funds, retirement accounts, and earnings.¹ See 28

¹ "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program. See 15 U.S.C. § 1672; 28 U.S.C. § 3002(6). "Disposable earnings" means that part

U.S.C. § 3205(c)(2)(F).

Property that is exempt and that is not subject to this Writ is listed in the enclosed Clerk's Notice of Exemptions and Request for Hearing and/or Transfer which was served upon the Defendant. **Do not deliver any property to the United States District Clerk of Court at this time.** Instead, withhold and retain the property until the court orders its distribution and/or terminates this action. *Id.*

As Garnishee, you are required by law to file an Answer within ten (10) days of your receipt of this Writ. *See* 28 U.S.C. § 3205(c)(2)(E). Your written Answer must be filed under oath, informing the Court of all required information pursuant to 28 U.S.C. § 3205(c)(4). This includes any "property or rights to property" you hold or may hold in the future pertaining to Defendant-Judgment Debtor Shawn Ann White in any way. *See* 18 U.S.C. § 3613(a).

If you are represented by counsel, who is an electronic case files (ECF) system user in the Southern District of Mississippi, your attorney may file your Answer electronically in ECF. Otherwise, pursuant to 28 U.S.C. § 3205(c)(4), please mail or deliver the original answer to the United States Clerk of Court, United States District Court, 2012 15th Street, Suite 403, Gulfport, MS 39501.. Additionally, you are required by law to serve a copy of your Answer to this Writ upon Defendant-Judgment Debtor Shawn Ann White at her address: REDACTED, Manteca, CA 95336., and a copy to Financial Litigation Program, United States Attorney's Office, 501 E. Court Street, Suite 4.430, Jackson, MS 39201. *Id.*

A sample Answer of the Garnishee is enclosed for your convenience. You may use this form as your Answer, but you are not obligated to do so. Please ensure that all information required by federal law is included in your Answer. *See* 28 U.S.C. § 3205(c)(4).

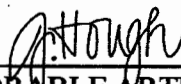
of earnings remaining after all deductions required by law have been withheld." *Id.*; 28 U.S.C. § 3002(5). "Nonexempt disposable earnings" means 25% of disposable earnings. *See* 28 U.S.C. § 3002(9).

If you fail to answer this Writ or withhold property in accordance with this Writ, the United States may petition this Court for an order requiring you to appear before this Court to answer this Writ and withhold property before the appearance date. *See* 28 U.S.C. § 3205(c)(6). If you fail to answer, or appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the substantial nonexempt property that should have been withheld and/or award reasonable attorneys' fees to the United States. *Id.*

09/11/2024

DATE



 , Deputy Clerk
HONORABLE ARTHUR S. JOHNSTON III
UNITED STATES CLERK OF COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

CAUSE NO.: 1:15-CR-055-LG-RHW-3

SHAWN ANN WHITE

DEFENDANT

and

WESTERN DENTAL SERVICES, INC.

GARNISHEE

**RESPONSE IN SUPPORT OF DEFENDANT'S
MOTION FOR TRANSFER OF JURISDICTION [339]**

COMES NOW, the United States of America, by and through the United States Attorney for the Southern District of Mississippi and the undersigned Assistant United States Attorney, and files its Response in Support of Defendant's Motion for Transfer of Jurisdiction [339], and in support the Government states as follows:

On or about February 2, 2017, this Court entered an Amended Judgment ordering the Defendant to pay \$90,647.51 in restitution. In March 2021, supervised release of the Defendant was transferred to the Eastern District of California, Sacramento Division. The criminal debts imposed typically remain, by policy, with the jurisdiction imposing criminal monetary penalties even when supervised release is transferred. On or about September 11, 2024, the United States filed an application for a writ of garnishment as to Defendant Debtor Shawn Ann White addressed to Western Dental Services, Inc. as the Garnishee. *See* ECF No. 335. The same day, the Defendant was served with the Writ of Garnishment [336] and Clerk's Notice [337]. *See* Notice of Service, ECF No. 338. On October 3, 2024, the Defendant filed a Motion pursuant to 28 U.S.C. § 3205(c)(5) objecting to the Answer of the Garnishee, and also requesting a transfer of jurisdiction in the action to a court near her place of residence in Manteca, California. The

Answer of the Garnishee has not yet been filed, so the Defendant cannot be objecting to the Answer. The Defendant appears to be impermissibly objecting to the Writ of Garnishment generally. However, the Defendant has included in her filing evidence of her domicile in Manteca, California, which is in the Eastern District of California, Sacramento Division.

Title 28, United States Code, Section 3202(b), prescribes that part of the required notice to a defendant include the option to have the collection action transferred to the district court in which the defendant resides if the defendant lives outside of the initiating jurisdiction.

Therefore, the Government supports the Defendant's request to have this issue transferred to a Federal District Court near her residence, specifically the Eastern District of California, Sacramento Division.

WHEREFORE, the United States of America respectfully requests that this Court GRANT the Defendant's Motion for Transfer of Jurisdiction [339].

Respectfully submitted this the 3rd day of October 2024.

UNITED STATES OF AMERICA

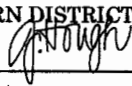
TODD W. GEE
United States Attorney

By: CLAY B. BALDWIN (MSB 103478)
Assistant United States Attorney
501 East Court Street, Suite 4.430
Jackson, Mississippi 39201
Telephone: (601) 965-4480
Fax: (601) 965-5042
Email: Clay.Baldwin@usdoj.gov



A TRUE COPY, I HEREBY CERTIFY

ARTHUR JOHNSTON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

By:  Deputy Clerk

CERTIFICATE OF SERVICE

I, Clay B. Baldwin, Assistant United States Attorney, do hereby certify that a true and correct copy of the above and foregoing document was filed electronically in the ECF system to all counsel of record, and by first class mail, postage prepaid, to:

Shawn Ann White
[Address Redacted]

Western Dental Services, Inc.
530 South Main St
Orange, CA 92868

October 3, 2024

s/ Clay B. Baldwin
CLAY B. BALDWIN
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Criminal No. 1:15-cr-00055-LG-RHW-003

SHAWN ANN WHITE

Defendant

and

WESTERN DENTAL SERVICES, INC.
530 South Main St.
Orange, CA 92868

Garnishee

**CLERK'S NOTICE OF EXEMPTIONS AND REQUEST FOR HEARING
AND/OR TRANSFER PURSUANT TO COLLECTION IN A CRIMINAL CASE**

You, Shawn Ann White, Defendant-Judgment Debtor, are notified, pursuant to 28 U.S.C. § 3202, that your property is being sought by the United States of America, which holds a judgment against you in this matter. As of September 11, 2024, your balance is:

\$90,747.51	Judgment amount
<u>\$7,214.76</u>	Credits applied to judgment amount
\$83,532.75	Debt balance

Exemptions may protect the property from being taken by the United States if you can show exemptions apply. Below is a summary of exemptions that apply to the enforcement of judgments for criminal fines and restitution under 18 U.S.C. § 3613¹:

1. Wearing apparel and school books. 26 U.S.C. § 6334(a)(1).
2. Fuel, provisions, furniture, and personal effects that do not exceed \$11,390.00. 26 U.S.C. § 6334(a)(2) and (g).

¹ Exemptions updated 1/2/2024. Please note that an exemption does not apply to funds that you may use to purchase, for example, "wearing apparel and school books" under 26 U.S.C. § 6334(a)(1), but the exemption would apply if the property sought by the government and/or held by a garnishee is actually wearing apparel (*i.e.* clothes) and school books.

3. Books and tools of a trade, business, or profession that do not exceed \$5,700.00. 26 U.S.C. § 6334(a)(3) and (g).
4. Unemployment benefits. 26 U.S.C. § 6334(a)(4).
5. Undelivered mail. 26 U.S.C. § 6334(a)(5).
6. Certain annuity and pension payments. –Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code. 26 U.S.C. § 6334(a)(6).
7. Workmen's compensation. 26 U.S.C. § 6334(a)(7).
8. Judgments for support of minor children, pursuant to a court judgment entered prior to the date of levy, to contribute to the support of defendant's minor children. 26 U.S.C. § 6334(a)(8).
9. Certain service-connected disability payments. 26 U.S.C. § 6334(a)(10).
10. Assistance under Job Training Partnership Act. 26 U.S.C. § 6334(a)(12).

You have a right to ask the court to return your property if you think the property the United States seeks qualifies under one of the above exemptions; or if your debt was imposed by default judgment and you can show that you do not owe the debt to the United States.

If you are requesting a hearing under the provisions of 28 U.S.C. § 3202(d), you must notify the court within twenty (20) days of this notice. Objections and requests for a hearing under Section 3202(d) are limited to the probable validity of any claim of exemption; the government's compliance with the applicable statutes; and issues involving default judgments, if applicable to your case. *See generally* 28 U.S.C. § 3202(d).

If the current action is a garnishment action under 28 U.S.C. § 3205, you may also object to the answer of the garnishee pursuant to 28 U.S.C. § 3205(c). You must notify the court within twenty (20) days after the answer is filed by the garnishee (the garnishee is required to mail you

a copy of the answer), and you should limit your objection to the contents of the answer filed by the garnishee if your request is filed under that provision.

Please indicate within your objection and request for hearing which statute you are using to file your objection and request for hearing, either 28 U.S.C. § 3202(d) or 28 U.S.C. § 3205(c) (if applicable), and the reasons for your objection. You may file an objection and request for hearing using either or both statutes as appropriate. Keep in mind the specific time limitations imposed by the statute as explained above. Your request must be in writing and filed with the Court within the time allowed under the statute. You may use the attached form to object and request the hearing, but you are not required to use the form. **Your claim of exemption and request for hearing should state your reasons for your objection, and the basis or information you will use to show the probable validity of such claim.**

If you think you live outside the federal judicial district where this Court is located, you may request, but are not obligated to request, that this proceeding be transferred by this Court to the federal judicial district where you reside. Such request must be made within twenty (20) days of this notice. You must make your request in writing and file it with the Court and include information showing your domicile to be outside the Southern District of Mississippi. You may use the attached form to request the transfer, but you are not required to use the form.

If you are represented by counsel, who is an electronic case files (ECF) system user in the Southern District of Mississippi, your attorney may file your claim for exemptions and request for hearing and/or transfer electronically in ECF. Otherwise, mail or deliver the original to the United States Clerk of Court 2012 15th Street, Suite 4.03, Gulfport, MS 39501. You must also mail a copy to the Financial Litigation Program, United States Attorney's Office, 501 East Court Street, Suite 4.430, Jackson, MS 39201. In a garnishment proceeding, you must also mail a

copy of your objection and request for hearing to the garnishee.

If you are entitled to a hearing in a garnishment action, the hearing will take place within ten (10) days after the Clerk of the Court receives your request, or as soon as practicable thereafter. In other actions, the hearing can be set within five (5) days of receipt of your request, or as soon as practicable thereafter. The court will issue an order advising you of the time, place, and date of any hearing scheduled.

At the hearing, you will have the burden to show the court why you believe the property the United States seeks is exempt based on the exemptions listed above. If your debt was imposed by default judgment, you will have the burden to prove you do not owe the debt to the United States. If you do not request a hearing, the statute calls for the court to promptly issue an order for your nonexempt property held by the garnishee to be delivered to the United States and applied to the debt you owe.

Certain terms applicable to these proceedings, such as “garnishee,” “earnings,” “nonexempt disposable earnings,” etc., and respective definitions may be found at 28 U.S.C. § 3002.

Be sure to keep a copy of this notice for your records. If you have any questions about your rights or this procedure, you should contact a lawyer or an office of public legal assistance. The Clerk of the Court is not permitted to give legal advice but may refer you to other sources of information.

09/11/2024
DATE



A. Johnston III, Deputy Clerk
HONORABLE ARTHUR S. JOHNSTON III
UNITED STATES CLERK OF COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Criminal No. 1:15-cr-00055-LG-RHW-003

SHAWN ANN WHITE

Defendant

and

WESTERN DENTAL SERVICES, INC.
530 South Main St.
Orange, CA 92868

Garnishee

NOTICE OF SERVICE TO POTENTIAL PARTY-IN-INTEREST

I hereby certify that, on September 11, 2024, the United States of America sent via United States Certified Mail to the usual postal mailing address of Defendant SHAWN ANN WHITE and via Federal Express overnight delivery to WESTERN DENTAL SERVICES, INC., 530 South Main St., Orange, CA 92868, a copy of the following:

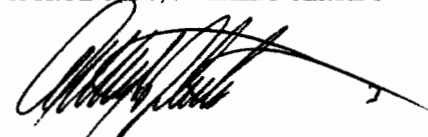
1. Writ of Garnishment to WESTERN DENTAL SERVICES, INC.; and
2. Clerk's Notice of Exemptions and Request for Hearing and/or Transfer Pursuant to Collection in a Criminal Case to WESTERN DENTAL SERVICES, INC..

Respectfully submitted this the 11th day of September 2024.

TODD W. GEE
United States Attorney

By: s/ Clay B. Baldwin
CLAY B. BALDWIN (MSB 103478)
Assistant United States Attorney
501 East Court Street, Suite 4.430
Jackson, MS 39201
Telephone: (601) 965-4480
Fax: (601) 965-4035
Email: clay.baldwin@usdoj.gov

A TRUE COPY, I HEREBY CERTIFY



ARTHUR JOHNSTON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

By: Arthur Johnston, Deputy Clerk

